

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TASER INTERNATIONAL, INC.,  
*et al.*

Plaintiffs,

v.

MORGAN STANLEY & CO., INC.,  
*et al.*

Defendants.

CIVIL ACTION NUMBER:  
1:10-CV-03108-JEC

**DEFENDANTS MERRILL LYNCH, PIERCE, FENNER &  
SMITH INCORPORATED'S AND MERRILL LYNCH  
PROFESSIONAL CLEARING CORP.'S MOTION FOR  
LEAVE TO FILE AMENDED DECLARATION UNDER  
SEAL AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Pursuant to the Stipulation and Protective Order Regarding Confidential Information jointly submitted by the parties to the State Court of Fulton County, Georgia, on August 27, 2009, and approved by the State Court on April 15, 2010 (the "Protective Order"), Defendants Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch") and Merrill Lynch Professional Clearing Corp. ("Merrill Pro") respectfully move the Court for leave to file the Amended Declaration of Brad M. Elias (the "Amended Declaration") under seal.

**MEMORANDUM OF LAW**

On January 19, 2011, Merrill Lynch and Merrill Pro filed their Opposition to Plaintiffs' Motion to Compel Production of Telephone Recordings (the "Opposition") and the Declaration of Brad M. Elias (the "Declaration") with a motion for leave to file under seal. The Declaration inadvertently omitted language indicating that it was made under the penalty of perjury, as required by 28 U.S.C. § 1746. The Amended Declaration adds this language. Typographical errors in the last line of paragraph 6 and the first line of paragraph 19 have also been corrected. The Amended Declaration is the same as the original Declaration in all other respects.

WHEREFORE, Merrill Lynch and Merrill Pro respectfully request that the Court grant them leave to file the Amended Declaration under seal to correct the omission from and typographical errors in the original Declaration filed in support of the Opposition.

Respectfully submitted, this 20th day of January 2011.

A handwritten signature in black ink, appearing to read 'Richard H. Sinkfield', is written over a horizontal line.

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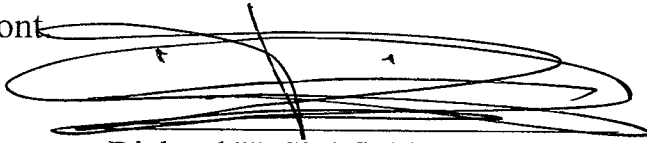
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and Merrill Lynch Professional  
Clearing Corp.*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1(B)**

Pursuant to Local Rule 7.1(D), the undersigned counsel hereby certifies that the foregoing **DEFENDANTS MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED'S AND MERRILL LYNCH PROFESSIONAL CLEARING CORP.'S MOTION FOR LEAVE TO FILE AMENDED DECLARATION UNDER SEAL AND MEMORANDUM OF LAW IN SUPPORT THEREOF** has been prepared in accordance with Local Rule 5.1(C) with 14-point Times New Roman font

A handwritten signature in black ink, appearing to read 'Richard H. Sinkfield', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke.

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 20, 2011, I caused a copy of the foregoing  
**DEFENDANTS MERRILL LYNCH, PIERCE, FENNER & SMITH  
INCORPORATED'S AND MERRILL LYNCH PROFESSIONAL  
CLEARING CORP.'S MOTION FOR LEAVE TO FILE AMENDED  
DECLARATION UNDER SEAL AND MEMORANDUM OF LAW IN  
SUPPORT THEREOF** to be served by U.S. mail on the following attorneys of  
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